

**Introduced by Senator Speier**

February 22, 2005

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An act to add Chapter 5(commencing with Section 3430) to Title 2 of Part 3 of the Penal Code, relating to the Dignity Standards for Women in Prison Task Force.

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as introduced, Speier. Women prisoners: Dignity Standards for Women in Prison Task Force.

Existing law generally regulates the conditions of incarceration for women inmates in state prisons.

This bill would establish the Dignity Standards for Women in Prison Task Force, and charge it with evaluating certain conditions in correctional institutions for women, and reporting on those conditions to the Secretary of the Youth and Adult Correctional Agency. The bill would require the secretary to compile a report based on the task force member reports, make specified responses therein, and submit it to the Legislature and the Governor no later than January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 5 (commencing with Section 3430) is
- 2 added to Title 2 of Part 3 of the Penal Code, to read:

1 CHAPTER 5. DIGNITY STANDARDS FOR WOMEN IN PRISON  
2 TASK FORCE  
3

4 3430. There is hereby established a Dignity Standards for  
5 Women in Prison Task Force for the purpose of assessing the  
6 degree to which female inmates are subjected to a sexually  
7 abusive environment, and unhealthy hygienic practices in  
8 correctional institutions for women under the jurisdiction of the  
9 Youth and Adult Correctional Agency.

10 3431. (a) The task force shall consist of six members  
11 appointed as follows:

12 (1) The Governor shall have two appointments, one of which  
13 shall be a physician knowledgeable in women's health.

14 (2) The Senate Pro Tempore shall have two appointments, one  
15 of which shall be a physician knowledgeable in women's health.

16 (3) The Speaker of the Assembly shall have two appointments,  
17 one of which shall be a physician knowledgeable in women's  
18 health.

19 (b) No task force member shall be an employee of an agency  
20 within the Youth and Adult Correctional Agency.

21 (c) The Secretary of the Youth and Adult Correctional Agency  
22 or his or her designee shall be responsible for establishing a  
23 process for the task force members to observe and interview  
24 women inmates in a manner that is not disruptive to the operation  
25 of a correctional institution, nor a process that shall subject the  
26 members to undue personal risk. Any and all licensed physicians  
27 who are members of the task force shall be allowed, with inmate  
28 consent, to conduct medical examinations and to review medical  
29 records which shall be made immediately available to the  
30 licensed physician task force members by the institution.

31 3432. At a minimum the task force shall address the following  
32 conditions as they may or may not exist at each state correctional  
33 institution for women:

34 (a) The housing of frail and elderly women in cells with  
35 younger women who exhibit aggressive sexual behavior,  
36 irrespective of the level of classification of each woman in a cell.

37 (b) Policies and practices for women to obtain sanitary  
38 supplies, including the presentation of soiled supplies as a  
39 requirement to obtain replacement supplies.

1 (c) Bathroom facilities and bathroom policies that do not  
2 provide women sufficient privacy from observation by male  
3 custody personnel.

4 (d) Identify why some women are unable to obtain “indigent  
5 bags” that contain adequate supplies of soap, toothpaste,  
6 deodorant, and basic cosmetic supplies.

7 (e) Identify bunk beds in which the clearance between the  
8 upper and lower bunks does not allow an inmate to sit up in the  
9 lower bunk without striking the upper bunk with her head.

10 (f) Identify the extent to which hygiene protocol affects the  
11 health of each inmate observed.

12 (g) Review preventative medicine protocol at each institution.

13 3433. (a) The task force shall be fully established no later  
14 than April 1, 2006, and it shall be the objective of the task force,  
15 with the approval of the Youth and Adult Correctional Agency,  
16 that each correctional institution for women be observed by the  
17 task force no later than July 1, 2006. The secretary shall have the  
18 authority to extend the observation time for up to 90 days for  
19 good cause. A minimum of four members of the task force shall  
20 participate in each observation visit.

21 (b) For purposes of this section only, a “personal observation  
22 visit” shall mean that the task force members during an  
23 eight-hour period shall have access to any and all inmates,  
24 including those confined to a special housing unit, provided that  
25 the warden determines that the safety of the task force members  
26 may be reasonably assured.

27 (c) If during the course of observations, a licensed medical  
28 professional task force member identifies a medical condition  
29 that may warrant attention, that member is authorized to notify  
30 the chief medical officer of the institution of the health issue of  
31 concern.

32 3434. The task force members may confer with each other  
33 regarding their personal observations, however, each member  
34 shall issue a report to the secretary within 30 days after the final  
35 observation of a correctional institution. The secretary shall  
36 compile the task force comments into one final report that shall  
37 not personally identify inmates and that shall be reported to the  
38 Legislature and the Governor no later than January 1, 2007. The  
39 secretary shall respond to each finding in the report and shall  
40 include the response in the final report.

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